

European Scrutiny Committee

House of Commons, London, SW1A 0AA

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From: Sir William Cash MP

14 April 2021

Chris Philp MP

Parliamentary Under-Secretary for Immigration Compliance and the Courts

Home Office

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**A New Pact on Migration and Asylum and related measures
(COM(20) 609,610, 611, 612, 613, 614 and C(20) 6467, 6468, 6469, 6470)
(ESC numbers 41538-41543 and 41561-41564)**

Thank you for your [letter of 26 January 2021](#) responding to questions we raised in our [Report](#) agreed on 11 November and in our [accompanying letter](#) on the package of measures forming part of the EU's [New Pact on Migration and Asylum](#).

While we appreciate that the Pact itself and the measures implementing it (if agreed) will not apply to the UK, the EU and the UK have a shared interest in developing effective and sustainable means of cooperation on asylum and migration. The EU/UK Trade and Cooperation Agreement does not include provisions on cooperation in these areas but an accompanying [Joint Political Declaration on Asylum and Returns](#) does note the importance of “good management of migratory flows”. It also notes “the UK’s intention to engage in bilateral discussions with the most concerned Member States to discuss suitable practical arrangements on asylum, family reunion for unaccompanied minors or illegal migration, in accordance with the Parties’ respective laws and regulations”.

You confirmed in your letter that the Government intends to pursue “new bilateral negotiations on post-transition migration issues with key countries with whom we have a mutual interest, including on new arrangements for the family reunion of unaccompanied asylum-seeking children” but indicated that you were unable to share any further details. You also undertook to ensure that any agreements reached would receive “appropriate scrutiny” while adding that the level of parliamentary scrutiny would depend on the form of the agreement.

You said that the Government was “looking to transition” the arrangements on readmission and returns contained in EU/third country readmission agreements in which the UK participated until the end of 2020 so that they would form the basis of bilateral agreements between the UK and each relevant third country. You did not tell us how many of these EU agreements the UK participated in (and the third countries concerned) and how many you have (or expect) to roll over.

Since you wrote, the Government has announced its [New Plan for Immigration](#) which envisages “the most significant overhaul of our asylum system in decades”. Under these new proposals, asylum applications made in the UK by individuals who have come from a safe third country would be considered inadmissible, meaning that these individuals would be returned either to “the safe country of most recent embarkation” or to “alternative safe third countries”. There would be “a rebuttable presumption that we can return individuals to all EEA member states and other designated safe countries”. The Government recognises that its ability to deliver this part of its New Plan would be “contingent on securing returns agreements” with these safe third countries.

Given the high probability that the last safe country crossed in reaching UK shores will, in many cases, be an EU Member State, there is a clear European dimension to the Government’s asylum reform proposals which merits continued scrutiny by this Committee. Accordingly, we ask you to provide further updates on:

- the progress made in “rolling over” EU readmission agreements in which the UK participated until the end of the post-exit transition period (31 December 2020);
- the EU/EEA countries with which the UK is negotiating new (post-transition) bilateral readmission and return agreements; and
- any new arrangements agreed with the EU or with individual EU/EEA countries on unaccompanied asylum-seeking children and family reunion.

As well as providing us with this information, we expect there to be sufficient opportunity for meaningful scrutiny by Parliament of any agreements reached in these areas, regardless of the form of the agreements.

I am copying this letter to the Chair (Rt Hon Yvette Cooper MP) and Clerk (Elizabeth Hunt) of the Home Affairs Committee; the Chair (the Earl of Kinnoull) and Clerk (Simon Pook) of the Lords European Affairs Committee; Andrew Englefield, scrutiny coordinator in your Department; and Les Saunders and Donald Harris in the Cabinet Office.

CHAIR